

DEPOSITIONS of Witnesses taken in May 1707 in two Causes in Chancery between the Lady Falkland, Sir George Strode (since Deceased) and Mr. Lytton alias Strode his Son and Heir, and the Lady Russell concerning Sir William Lytton's Declarations before and after making his last Will, how he intended his Estate should go after his Death among the said Parties.

The Will was made 25th of March 1700, and Sir Wm. Lytton Dyed 14th day of January 1704.

Dame Phillip-
pa Lytton Exam-
ined as a
witness for
the Lady Rus-
sell, Deposeth.

THAT She has several times heard the said Sir Wm. Lytton her late Husband (Deceased) in his Life time say and declare, That he had been frequently Solicited by Sir Francis Russell, late Husband of the Defendant Dame Anne Russell, and Sir George Strode his Nephew and Son of his Eldest Sister to cut off the Entail of his Estate, that he might Settle the said Estate as he the said Sir William Pleased, and that they made a Journey to London to Solicite him so to do, and that they had told him and also that Mr. Sergeant Wogan had advised him, that it was in his the said Sir Wm. Lytton's Power so to do, or to that effect. But he said and declared, That he would never do it, For his Father was a Wise Man, and he had Settled the said Estate as he thought fit, and, That he the said Sir Wm. Lytton would never alter his Father's Settlement, but declared that his said Estate should go as his Father had Designed and Settled it, or used words to the same effect. And this Deponent doth believe, that it was his the said Sir Wm. Lytton's Design and Intention not to give or pass away by his Last Will and Testament any Lands or Estate mentioned or comprised in the Family Settlement, And the rather For that this Deponent hath heard him the said Sir Wm. Lytton frequently during the time this Deponent was his Wife upon occasion of his speaking of the said Settlement, Say and Declare that he would never alter the said Settlement, but that the said Estate should go as his Father had Design'd and Settled it, And that his Sister the Complainant the Lady Falkland was his Father's Child as well as he, or used words to the same Effect. And this Deponent heard him declare himself to the effect aforesaid not long before his Death, and hath heard him the said Sir Wm. Lytton declare himself to the same purpose and effect both before and since the making of his Will.

And the said Lady Lytton being Examined as a Witness for the Lady Falkland Speaks to the same effect, That Sir Wm. Lytton declar'd he would never alter his Father's Settlement, but that his Estate should go as his Father had Designed and Settled it, which the Deponent frequently heard Sir Wm. Lytton Declare during the time She was his Wife upon any occasion when the said matter happen'd to be discours'd of, and the last time was not long before his Death, She having heard Sir William so declare both before and since the making his Will.

Sarah Lytton.
examin'd as
a Witness for
the Lady
Russell,
Deposeth.

To the Sixth Interrogatory says, That she lived in the Family of the said Sir Wm. Lytton for the space of Seaven Years, or thereabouts, before his the said Sir Wm. Lytton's death, and whilst this Deponent so lived with him this Deponent hath several times heard him the said Sir Wm. Lytton speak of a Main Settlement which had been made by Sir Rowland Lytton his late Father, whereby his Estate after his the said Sir Wm. Lytton's death was Settled upon his the said Sir Wm. Lytton's three Sisters, viz. The Lady Strode, (the Defendant Sir George Strode's Mother,) the Defendant Dame Ann Russell, and the Complainant the Lady Falkland, And this Deponent having several times after his the said Sir Wm. Lytton's making of his Will, had discourse with him the said Sir William about the said Settlement, hath in such discourse, said to him that it was a Great Pity that his the said Sir William Lytton's Estate should go out of his name, he the said Sir William Lytton hath thereupon said, that he was resolv'd never to alter his Father's Settlement, and that the Estate should go as his Father had Settled and Design'd it, or used words to the same Effect. And this Deponent saith, that tho' the said Defendant Sir George Strode and Sir Francis Russell Endeavour'd to perswade the said Sir Wm. Lytton to have cut off the Lady Falkland from having any part or share of his Estate after his Death, as he told this Deponent, and as a reason to advise him to do the same (as he declared,) told him the said Sir Wm. Lytton that there was a Settlement whereby the whole Estate was Settled upon her the said Complainant the Lady Falkland exclusive of his other two Sisters, Yet he the said Sir Wm. Lytton declar'd and said, that if it was so, he would not alter his Father's Settlement, but that the said Estate should go as his Father had Settled it, or used words to the same effect. And he the said Sir Wm. Lytton did at all such times (as this Deponent heard him discourse upon that Subject,) manifest that it was his Intention and settled Resolution never to alter his Father's Settlement.

And the said Mrs. Lytton to the 7th. Interrogatory saith, that this Deponent hath since the time that the said Sir Wm. Lytton made his last Will and Testament in writing, heard him Discourse touching what Estate he had or did intend to give or dispose to and for the Benefit of the Complainant Lytton Lytton. And more particularly this Deponent hath heard the said Sir William Lytton say and declare, that he intended to leave his Personal Estate between the Defendant Dame Ann Russell, and the Complainant Lytton Lytton. And that as for his Father's Settlement, that should stand, For he would not alter it, but that the said Sir George Strode being Son of his Eldest Sister, would have the first Choice of the said Estate, and he would certainly chuse Knebworth, and then he declared that he would give or leave to Lytton, Son of the said Sir George Strode, all the Estate he the said Sir William Lytton had purchased, and could Dispose of, Out of his said Father's Settlement, and that he the said Lytton, (the said Sir George Strode's Son,) with his Father's having Knebworth for his Share of the Estate, might have enough to buy in the other two parts of his Estate from the Defendant Dame Ann Russell and the Complainant the Lady Falkland, or used words to the same effect.

Dame Phillip-
pa Keyling
(Mother to
the said Lady
Lytton) exami-
ned as a wit-
ness for the
Lady Falkland
Deposeth.

That She hath heard the said Sir William Lytton several times in his Life time, and not long before his Death, say and declare, that he would never alter the Settlement of his Estate which his Father had made. And more, particularly the said Sir William Lytton being about 4 or 5 years since, Solicited by Sir Francis Russell, late Husband of the said Dame Ann Russell, and Sir George Strode to alter the said Settlement made by his Father, Sir Rowland Lytton, he refused to alter the same, declaring as he had done several times before, and did do several times afterwards, that he would not alter the said Settlement, For Sir Rowland his Father was a wise Man and had Settled the said Estate as he would have it go, and he would never alter it, But that the said Estate should go as the said Sir Rowland designed it, or used words to the same Effect.